

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

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COLUMBIA, SC
2005 MAY 17 A 11:17

Seth Culler, Dennis Haile, Rucha McCall, Bruce)
Tandy, Disability Action Center, and other)
similarly situated individuals,)

Plaintiffs,)

vs.)

C/A No. 3:02-2803-17

South Carolina Electric & Gas Company, SCANA)
Corporation, Laidlaw Transit Services, Inc.,)
Connex TCT, LLC, Tom Hartley, in his official)
capacity as General Manager of Connex in)
Columbia, South Carolina, City of Columbia, South)
Carolina, and Robert D. Coble, in his official)
capacity as Mayor of Columbia, Central Midlands)
Council of Government and Doug Philips, in his)
official capacity as Executive Director of Central)
Midlands Council of Government, Central)
Midlands Regional Transit Authority and Lowell)
"Butch" Spires in his official capacity as Chairman)
of the Board of Central Midlands Regional Transit)
Authority,)

Defendants.)

**CONSENT ORDER OF
DISMISSAL AS TO CERTAIN
DEFENDANTS AND CERTAIN
CLAIMS**

By complaint filed August 22, 2002, as amended by an amended complaint filed February 3, 2004, plaintiffs asserted four causes of action against all defendants alleging violations of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12101, *et seq.*; the Rehabilitation Act of 1973 ("the Rehabilitation Act"), 29 U.S.C. § 794a; the South Carolina Unfair Trade Practices Act ("SCUTPA"), S.C. Code Ann. §§ 39-5-10, *et seq.* (Cum. Supp. 2002); and the South Carolina Bill of Rights for Handicapped persons, S.C. Code Ann. §§ 43-33-510, *et seq.* (Cum. Supp. 2002), all of which causes of action assert alleged deficiencies in the operation of the Dial A Ride Transit ("DART") paratransit system between 1992 to the present.

On September 30, 2003, the Court issued an Order certifying a class for injunctive relief and denying plaintiffs' motion to certify a class for damages. By Order filed April 27, 2004, the Court dismissed a number of individual and corporate defendants and dismissed all defendants with respect to the class-claim for injunctive relief except defendant Central Midlands Regional Transit Authority ("CMRTA") and Connex TCT, LLC ("Connex").

After the Court's April 27, 2004, Order, the remaining claims and parties were as follows:

Claims under the Rehabilitation Act and South Carolina Bill of Rights for Handicapped Persons against SCE&G, Laidlaw, Connex, CMRTA, and CMCOG; and claims under the ADA against CMRTA and CMCOG. Finally, CMCOG has a pending cross-claim against SCE&G. Of these claims, only the claims against CMRTA and Connex are class claims for injunctive relief.

Order at 18-19 (Apr. 27, 2004).

Thereafter, on April 16, 2004, SCE&G filed an answer asserting a cross-claim against CMCOG.

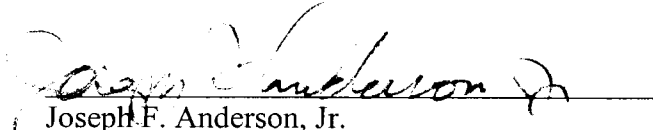
It now appears that the parties have reached a complete and final settlement of all of the plaintiffs' claims for damages, injunctive relief and attorneys' fees related to such claims as against all of the defendants except CMRTA and Connex. It further appears that the parties have reached a settlement of all claims for damages and attorneys' fees related to damages as against defendants CMRTA and Connex. Plaintiffs' claims against CMRTA and Connex for injunctive relief and attorneys' fees related to injunctive relief are not a part of the parties' settlement.

Accordingly, on motion of counsel for the defendants, by and with the consent of counsel for the plaintiffs,

IT IS ORDERED that all of the plaintiffs' claims against all defendants are dismissed with prejudice and forever ended except for plaintiffs' claims for injunctive or declaratory relief

against defendants CMRTA and Connex and plaintiffs' claims to recover attorneys' fees from defendants CMRTA and Connex with respect to plaintiffs' claim for injunctive or declaratory relief against defendants CMRTA and Connex.

AND IT IS SO ORDERED.

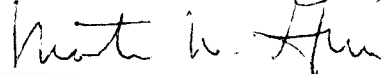

Joseph F. Anderson, Jr.
United States District Judge

Columbia, SC

February ____, 2005

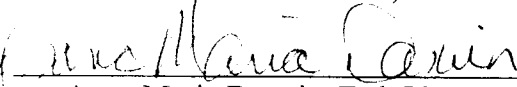
WE SO MOVE:

HAYNSWORTH SINKLER BOYD, P.A.

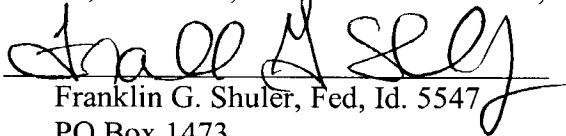
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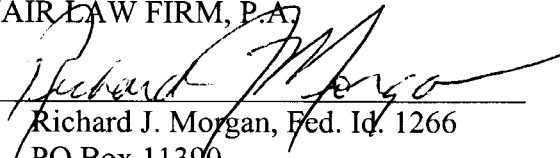
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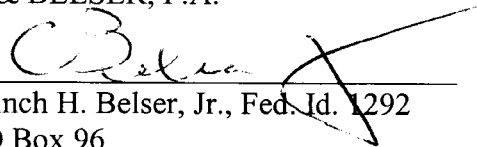
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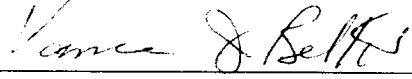
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